

REMARKS

In this Amendment, Applicants amend the drawings and the specification. Applicants submit that the amendments contain no new matter, in accordance with the requirements of 37 C.F.R. § 1.121(f). Upon entry of this amendment, claims 1 – 19 remain pending, with claims 1 – 7 and 16 – 19 withdrawn from consideration as drawn to a nonelected invention, and claims 8 – 15 under current examination.

Regarding the Office Action:

In the Office Action, the Examiner objected to the drawings; objected to the specification; and rejected claims 8 – 15 under 35 U.S.C. § 103(a) as unpatentable over “Applicants’ admitted prior art” in combination with Hisamune (U.S. Patent No. 6,414,352B2) and Takeuchi (U.S. Patent No. 5,907,183).

Applicants respectfully traverse the rejection, as detailed above, for the following reasons.

Regarding the Objection to the Drawings:

The Examiner objected to the drawings, stating that Figs. 10 – 12 and 15 – 17 should be designated by a legend, such as “prior art.” The Examiner also objected to Fig. 12B as failing to comply with 37 C.F.R. 1.84 (p)(4), “because reference character “105” has been used to designate both a *resist pattern* and a *width reduced pattern*” (Office Action, page 2, italics in original).

In response, Applicants file herewith four (4) sheets of drawings, each labeled “Replacement Sheet,” containing Figs. 10A, 10B, 11A, 11B, 12A – 12D, 15A – 15C, 16A – 16C, and 17. Applicants have amended Figs. 10A, 10B, 11A, 11B, 12A – 12D, 15A – 15C, 16A – 16C, and 17 to add the legend “Prior Art,” as required by the Examiner. In addition,

Applicants have amended Fig. 12B to replace item 105 with a new reference 107, as follows: “a resist pattern ~~[[105]]~~ 107 (a portion indicated with a dashed line) is formed.” Applicants submit that this overcomes the Examiner’s objection to Fig. 12B and thereby satisfies the requirement for a proposed drawing correction.

Applicants request that these drawings be made of official record in the above-identified patent application. If the drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

Regarding the Objection to the Specification:

The Examiner objected to the title as “not descriptive” (Office Action, page 3). In response, Applicants have amended the title, as it appears above, to be “clearly indicated of the invention to which the claims are directed” (Id.). Applicants deem this objection overcome.

The Examiner objected to the disclosure because of informalities. *See* Office Action, page 3. In response, Applicants have amended the specification, as indicated in this paper, to replace “ $10^{13} \text{ c}^{-2} \text{ m}$ ” with “ 10^{13} cm^{-2} ” and to replace “10C” with “10B,” per the Examiner’s required corrections. Applicants also deem this objection overcome.

Regarding the Rejection of Claims 8 – 15 under 35 U.S.C. § 103(a):

Applicants respectfully traverse the rejection of claims 8 – 15 under 35 U.S.C. § 103(a) as unpatentable over Applicants’ admitted prior art in combination with Hisamune (U.S. Patent No. 6,414,352B2) and Takeuchi (U.S. Patent No. 5,907,183). Applicants respectfully disagree with the Examiner’s arguments and conclusions, and respectfully submit that a *prima facie* case of obviousness has not been established.

After reviewing this rejection, Applicants’ representative telephoned Examiner Pham on July 23, 2003 to request clarification of the rejection over “applicants’ admitted prior art,”

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specifically “in the description of the prior art of fig.5, the applicants disclose that an insulating film containing silicon and nitrogen 2...” (Office Action, page 3). Applicants thank Examiner Pham for taking the time to speak with Applicants’ representative about this application.

Applicants’ representative explained that Applicants’ Fig. 5 is not prior art, and is instead *an embodiment of the invention*, as described in the specification beginning on page 36, line 23. Furthermore, Applicants’ representative explained that the Examiner’s characterization of Fig. 5’s reference numerals was inaccurate. The Examiner responded by telling Applicants’ representative to point out this error in the written Response to the Office Action so that he may withdraw the rejection if he agrees that he made a mistake.

Since the Examiner erred in applying an embodiment of the present invention in rejecting the claims of the present invention, Applicants deem it unnecessary to discuss Hisamune and Takeuchi in this Response. For these reasons, Applicants submit that the 35 U.S.C. § 103(a) rejection is improper on its face, and therefore respectfully request it be withdrawn and present claims 8 – 15 be allowed.

Conclusion:

In making various references to the specification and drawings set forth herein, it is understood that Applicants are in no way intending to limit the scope of the claims to the exemplary embodiments described in the specification and illustrated in the drawings. Rather, Applicants expressly affirm that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing, Applicants request reconsideration of the application and submit that the objections and rejection detailed above should be withdrawn. Applicants submit that pending claims 8 – 15 are in condition for allowance, and request a favorable action.

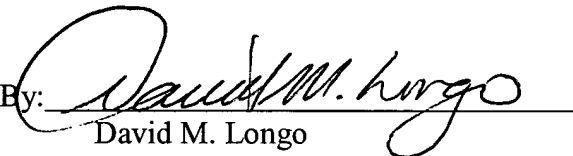
Should the Examiner continue to dispute the patentability of the claims after consideration of this Amendment, Applicants encourage the Examiner to contact Applicants' undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings. Applicants' undersigned representative would welcome the opportunity to discuss the merits of the present invention with the Examiner if telephone communication will aid in advancing prosecution of the present application.

Please grant any extensions of time under 37 C.F.R. § 1.136 required in entering this response. If there are any fees due under 37 C.F.R. § 1.16 or 1.17 including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 16, 2003

By: 
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REPLACEMENT SHEET

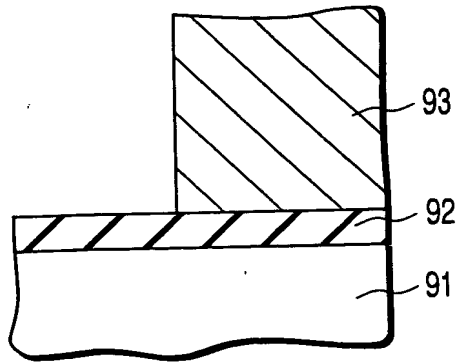


FIG. 10A
(PRIOR ART)

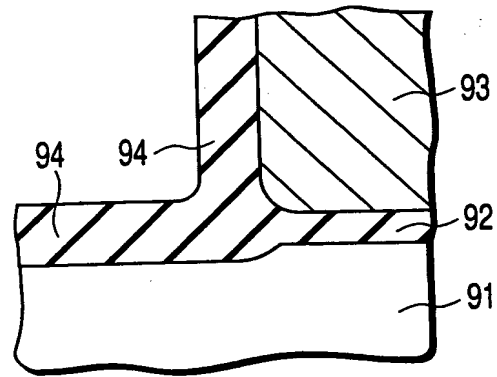


FIG. 10B
(PRIOR ART)

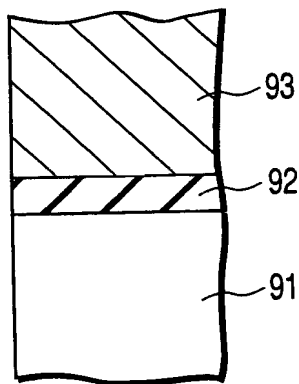


FIG. 11A
(PRIOR ART)

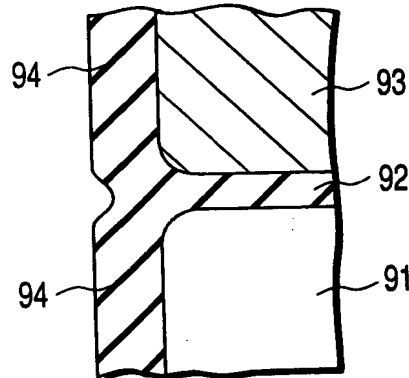


FIG. 11B
(PRIOR ART)



REPLACEMENT SHEET

FIG. 12A
(PRIOR ART)

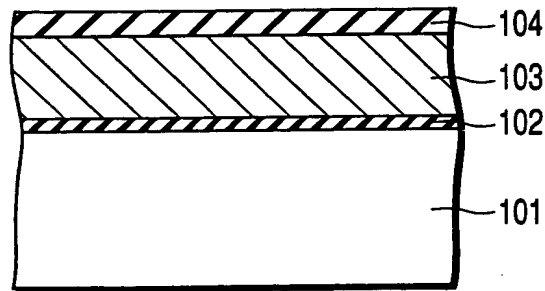


FIG. 12B
(PRIOR ART)

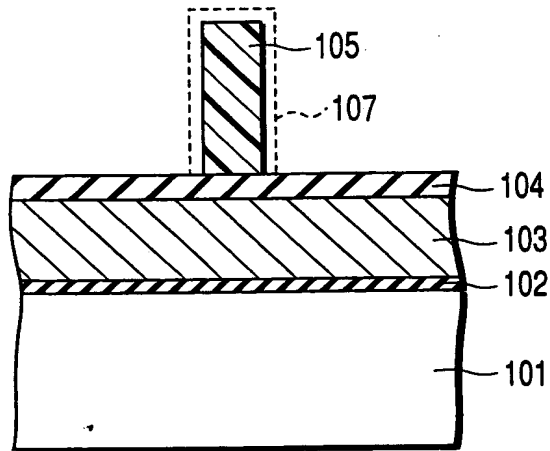


FIG. 12C
(PRIOR ART)

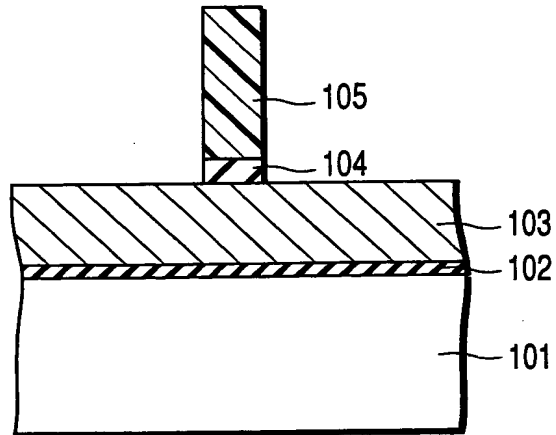
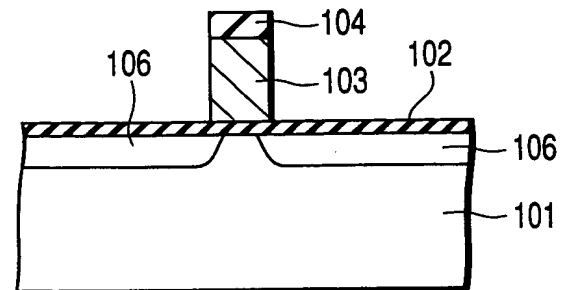


FIG. 12D
(PRIOR ART)





REPLACEMENT SHEET

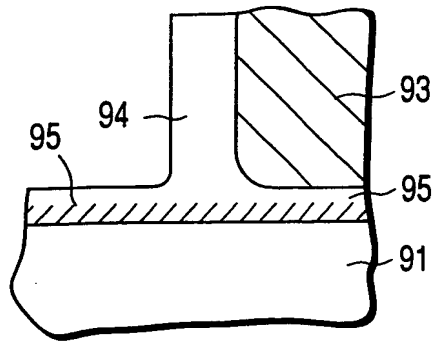


FIG. 15A
(PRIOR ART)

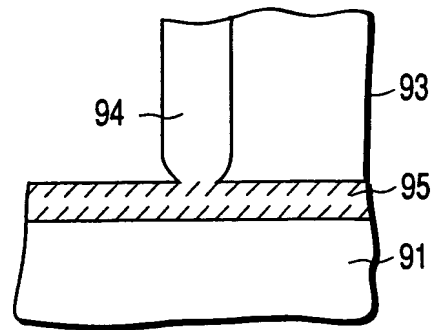


FIG. 15B
(PRIOR ART)

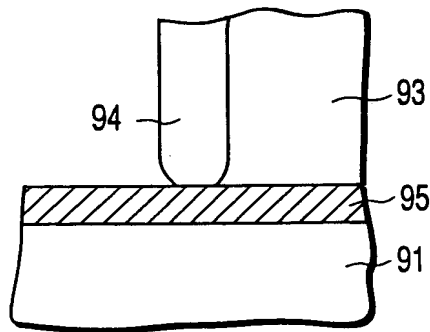


FIG. 15C
(PRIOR ART)

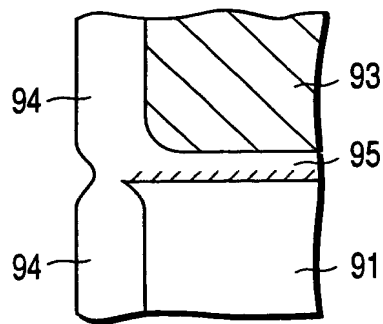


FIG. 16A
(PRIOR ART)

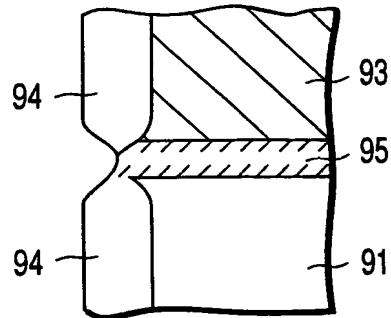


FIG. 16B
(PRIOR ART)

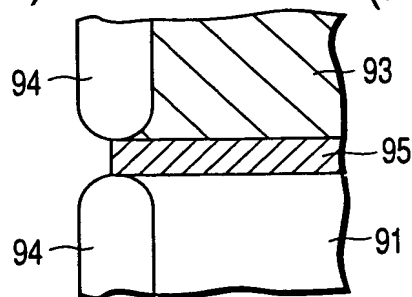
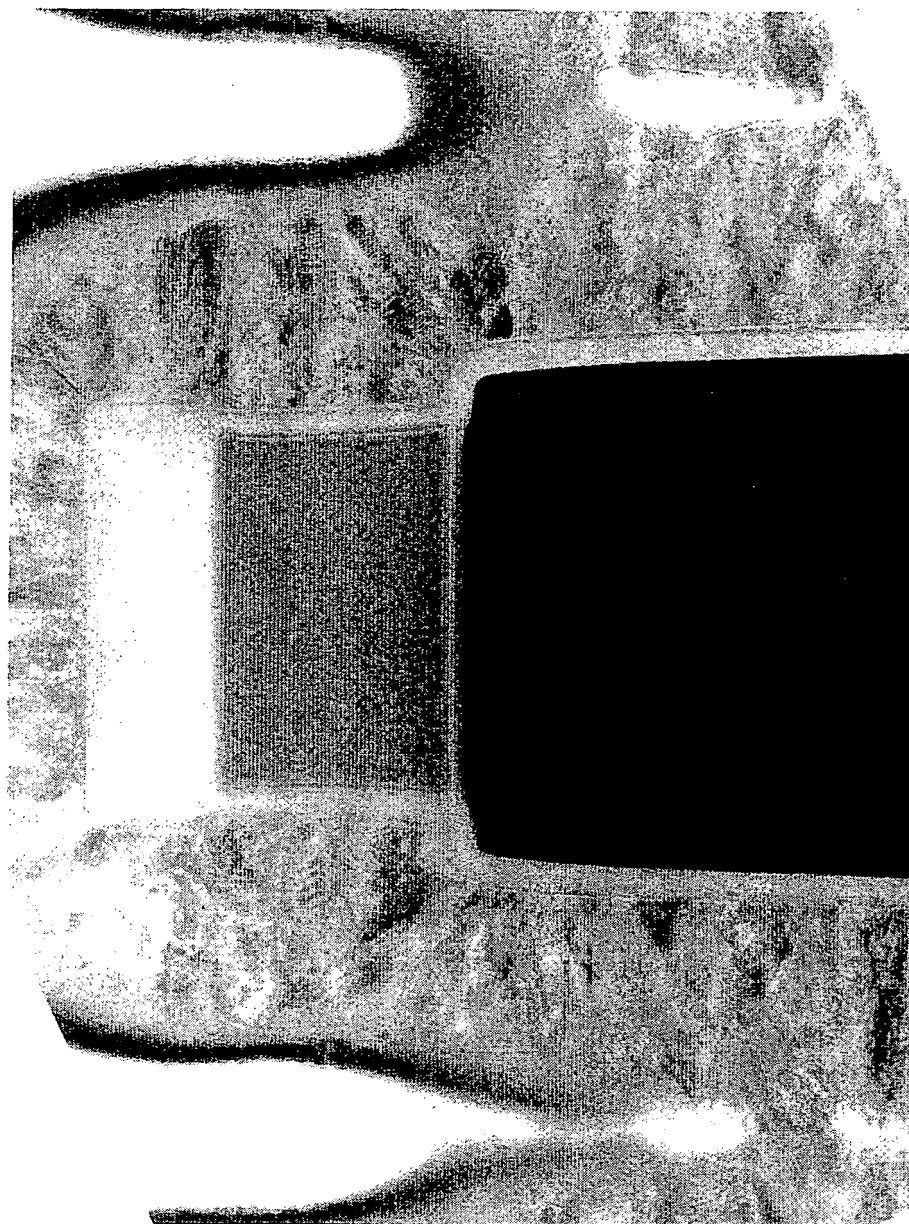


FIG. 16C
(PRIOR ART)



REPLACEMENT SHEET



50nm

FIG. 17
(PRIOR ART)